

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed June 27, 2002. Claims 1, 2, 4-14, 16-26, 28-32 and 34-38 were pending in the Application and stand rejected. Applicants amend Claim 11 to fix a typographical error.

Claim Rejections – 35 U.S.C. §103

The Examiner rejects Claims 1, 2, 4, 6-12, 14, 16-24, 28 and 28-31 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,035,280 issued to Christensen ("*Christensen*") in view of U.S. Patent No. 6,233,564 issued to Schulze, Jr. ("*Schulze*") and U.S. Patent No. 5,893,080 issued to McGurl, et al. ("*McGurl*"). Applicants' Claim 1 recites:

A system for rebate processing, comprising:

a plurality of first devices associated with promotion sponsors, the first devices operable to communicate information describing promotions to a rebate processing center;

a plurality of second devices associated with consumers, the second devices operable to communicate information indicating purchases of products to the rebate processing center; and

the rebate processing center, comprising:

a first memory operable to store promotion information describing the promotions available for the purchases, the promotion information comprising, for each of the promotions, a promotion sponsor identifier indicating a selected one of the promotion sponsors, a promotion identifier, promotion requirements, and at least one disbursement option;

a second memory operable to store transaction information indicating the purchases of the products, the transaction information comprising, for each of the purchases, a consumer identifier, a rebate request status, and a promotion identifier matching to a selected one of the promotions; and

a processor operable to process rebate requests by associating the purchases with the promotions using the promotion identifiers and determining whether selected transaction information for the purchases satisfies the rebate requirements for the promotions, the processor further operable to provide rebate status updates to the consumers using the rebate request statuses and to generate promotion reports, a promotion report comprising selected promotion information for at least one of the promotions having a particular promotion sponsor identifier.

Applicants respectfully submit that *Christensen*, *Schulze* and *McGurl*, taken alone or in combination, fail to teach or suggest all elements of Applicants' claims. For example, Claim 1 includes a rebate processing center having:

a processor operable to process rebate requests by associating the purchases with the promotions using the promotion identifiers and determining whether selected transaction information for the purchases satisfies the rebate requirements for the promotions, the processor further operable to provide rebate status updates to the consumers using the rebate request statuses and to generate promotion reports, a promotion report comprising selected promotion information for at least one of the promotions having a particular promotion sponsor identifier.

The Examiner admits, on page 3 of the Action, that *Christensen* fails to disclose a processor operable to process rebate requests by associating the purchases with the promotions. As teaching of the processor element, the Examiner points to portions of *Schulze*, such as a figure that shows a processor. Other portions of *Schulze* identified by the Examiner detail marketing techniques (col. 1, lines 13-19); collection of consumer information (col. 4, lines 50-67); the use of processors (col. 5, lines 49-53); and printing of coupons for consumers (col. 11, lines 10-18). However, *Schulze* fails to teach or suggest the processor operations detailed in Applicants' Claim 1. Thus the combination proposed by the Examiner, even if appropriate, fails to teach or suggest all elements of Applicants' Claim 1.

Moreover, in dealing with the processor element of Applicants' claim, the Examiner states that it would have been obvious "to modify Christensen's system such that it will have a processor to process rebate requests." As support for this modification, the Examiner simply states that "it would improve Christensen's system to gather rebate request information particularly on purchased products." However, Applicants respectfully submit that even if *Christensen* is modified to include the Examiner's proposed processor for gathering rebate request information, this fails to teach or suggest all limitations of:

a processor operable to process rebate requests by associating the purchases with the promotions using the promotion identifiers and determining whether selected transaction information for the purchases satisfies the rebate requirements for the promotions, the processor further operable to provide rebate status updates to the consumers using the rebate request statuses and to generate promotion reports, a promotion report comprising selected promotion information for at least one of the promotions having a particular promotion sponsor identifier.

Thus, the proposed combination of *Christensen*, *Schulze* and *McGurl* fails to teach or suggest all elements of Applicants' Claim 1. Independent Claims 8 and 20 include

limitations that, for reasons similar to those discussed above, are not taught or suggested by the proposed combination.

In addition, many of the dependent claims include further limitations that are not taught or suggested by any of the cited references, either alone or in combination. For example, Claim 2 recites:

wherein the promotion information comprises, for at least one of the promotions, a plurality of disbursement options for receiving an authorized rebate, at least one of the plurality of disbursement options having a cash value to a recipient different than another one of the plurality of disbursement options.

As teaching of these elements, the Examiner cites to *McGurl*. In general, *McGurl* discloses a system that facilitates electronic payments and, in particular, electronic funds transfer (EFT) of payments based on selections by users. *McGurl*, col. 2, ll. 50-64. In describing the system, *McGurl* contemplates users selecting between methods of disbursement, and identifies this as a selection between “whether the disbursement is desired by EFT or printed negotiable instrument.” *Id.*, at col. 5, ll. 10-11. However, *McGurl* fails to teach or suggest “a plurality of disbursement options for receiving an authorized rebate,” and more specifically, *McGurl* fails to teach or suggest “at least one of the plurality of disbursement options having a cash value to a recipient different than another one of the plurality of disbursement options.”

Applicants have shown that the cited references fail to teach or suggest many of the elements of Applicants’ independent and dependent claims. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the rejections to Claims 1, 2, 4, 6-12, 14, 16-24, 28 and 28-31 under 35 U.S.C. § 103(a).

The Examiner rejects Claim 5 under 35 U.S.C. § 103(a) as unpatentable over *Christensen* in view of *Schulze* and *McGurl*, and further in view of U.S. Patent No. 5,999,914 issued to Blinn, et al. (“*Blinn*”). Claim 5 recites:

wherein at least one first device is operable to receive one of the promotion reports, the received promotion report comprising a number of rebate requests and a breakage rate for each promotion associated with a promotion sponsor.

The Examiner admits, on page 13 of the Action, that *Christensen* fails to teach all aspects of Claim 5. In particular, the Examiner states that *Christensen* “specifically fails to

disclose a breakage rate for each promotion associated with a promotion sponsor.” As teaching of this element, the Examiner cites to portions of *Blinn* that detail “merchant-defined information, including promotion rank, promotion start and stop dates, shopper eligibility information, promoted items, and so forth.” *Blinn*, col. 2, lines 2-4. However, this information fails to show reporting of breakage rate. Moreover, this combination fails to show promotion reports comprising a number of rebate requests and a breakage rate for each promotion associated with a promotion sponsor. Also, *Blinn* fails to introduce any of the elements discussed above with respect to Claim 1 that are not taught or suggested by *Christensen*, *McGurl* or *Schulze*. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the rejection to Claim 5 under 35 U.S.C. § 103(a).

The Examiner rejects Claim 13 under 35 U.S.C. § 103(a) as unpatentable over *Christensen* in view of *Schulze* and *McGurl*, and further in view of *Blinn*. Claim 13 includes limitations that, for reasons similar to those discussed above with respect to Claim 5, are not taught or suggested by the proposed combination. Moreover, *Blinn* fails to introduce any of the elements discussed above that are not taught or suggested by *Christensen*, *McGurl* or *Schulze*. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the rejection to Claim 13 under 35 U.S.C. § 103(a).

The Examiner rejects Claim 25 under 35 U.S.C. § 103(a) as unpatentable over *Christensen* in view of *Schulze* and *Blinn*. Claim 25 includes limitations that, for reasons similar to those discussed above with respect to Claim 5, are not taught or suggested by the proposed combination. Moreover, *Blinn* fails to introduce any of the elements discussed above that are not taught or suggested by *Christensen* or *Schulze*. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the rejection to Claim 25 under 35 U.S.C. § 103(a).

The Examiner rejects Claim 32 under 35 U.S.C. § 103(a) as unpatentable over *Christensen* in view of U.S. Patent No. 5,950,173 issued to Perkowski ("*Perkowski*"). Claim 32 recites:

A computer-based interface for facilitating rebate processing, the interface operable to:
display a plurality of fields for entry by a user to create a promotion for a product bearing a rebate;
receive promotion information for the promotion, the promotion information comprising a product identifier and a plurality of disbursement

options for receiving an authorized rebate, at least one of the disbursement options having a cash value to a recipient different than another one of the disbursement options;

communicate promotion information to a remote rebate processing center; and

receive a status of the promotion based on purchases of the product, the status indicating a number of rebate requests for the promotion and a number of authorized rebates fulfilled for each of the disbursement options for the promotion.

Applicants respectfully submit that *Christensen* and *Perkowski*, taken alone or in combination, fail to teach or suggest all elements of Applicants' Claim 32. For example, Claim 32 recites an interface operable to:

receive promotion information for the promotion, the promotion information comprising a product identifier and a plurality of disbursement options for receiving an authorized rebate, at least one of the disbursement options having a cash value to a recipient different than another one of the disbursement options.

The Examiner admits in the Action that *Christensen* fails to disclose a plurality of disbursement options. Yet as teaching for these elements, the Examiner points to portions of *Christensen*. Thus, the Examiner's admissions show that the combination of *Christensen* and *Perkowski* fails to teach or suggest all elements of Applicants' Claim 32. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection to Claim 32 and its dependent claims.

The Examiner rejects Claim 38 under 35 U.S.C. § 103(a) as unpatentable over *Christensen* in view of *Perkowski* and further in view of *Blinn*. Claim 38 includes limitations that, for reasons similar to those discussed above with respect to Claim 5, are not taught or suggested by the proposed combination. Moreover, *Blinn* fails to introduce any of the elements discussed above with respect to Claim 32 that are not taught or suggested by *Christensen* or *Perkowski*. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the rejection to Claim 38 under 35 U.S.C. § 103(a).

Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Marked-Up Version of Specification and Claim Amendments

For the convenience of the Examiner, Applicants present only amended claims below.

11. **(Amended)** The apparatus of Claim [8] 9, wherein the interface is operable to receive transaction information entered from a rebate request form mailed by a purchaser of a product.